

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

PHILLIP D. GONZALES,

Defendants.

8:21-CR-238

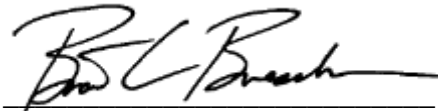
**ORDER ON IN FORMA PAUPERIS
STATUS AND MOTION TO APPOINT
COUNSEL**

This matter is before the Court on Defendant's Motion to Appoint Counsel. [Filing 74](#). Because Defendant has filed a Notice of Appeal, [Filing 73](#), he must make this request before the Eighth Circuit Court of Appeals. See *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Moreover, because the Court previously found Defendant indigent during his criminal case, [Filing 13](#), Defendant may proceed *in forma pauperis* on his appeal without further authorization. See Fed. R. App. P. 24(a)(3). Accordingly,

IT IS ORDERED that Defendant's Motion to Appoint Counsel, [Filing 74](#), is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals and Defendant may proceed *in forma pauperis* on his appeal.

Dated this 19th day of September, 2022.

BY THE COURT:



Brian C. Buescher
United States District Judge